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Division

12 Public order, health, and safety offences

Australian and New Zealand Standard Offence Classification (ANZSOC)

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Description

Public order and safety offences relate to acts that create or increase a risk to community health and safety, or are considered disruptive or offensive. In most cases, these offences do not involve a specific victim, but some offences (such as offensive language or behaviour) may be directed towards one or more victims.

Subdivision

121 Public safety offences

Description

Public safety offences include acts that reduce safety for other community members or are indicative of criminal intent. This excludes where the reduction in safety is as a result of a breach of regulation, for example relating to workplace safety or sale of alcohol.

1211 Criminal intent

Criminal intent includes behaving in a manner, or possessing tools, clothing, or other material, which indicates an intent to commit a criminal offence.

Inclusions:

- Go equipped to steal
- Loiter with intent
- Possess an object with intent to destroy or damage property
- Possess articles of disguise or camouflage
- Possess tools, materials or instruments used for burglary or theft
- Other offences related to criminal intent

Exclusions:

- Consort with known offenders, where no other offence has taken place – coded to 1212 Unlawful association
- Conspire to murder that does not result in death – coded to 0120 Attempted murder
- Plan or prepare for a terrorist act – coded to 1511 Terrorism offences
- Unlawfully enter private property with intent – coded to the relevant groups within 06 Burglary

1212 Unlawful association

Unlawful association offences relate to where a person unlawfully associates, meets, communicates, or spends time with another person. This may be because one or both people are members of a gang, former offenders, part of an organised crime group, or another illegal group.

Inclusions:

- Consort with known offenders
- Gang-related consorting offences
- Use of a symbol, motif, insignia, or uniform that promotes violence or signifies membership to an unlawful group
- Other unlawful association offences

Exclusions:

- Breach person or place restrictions on a justice or sentencing order – coded to the relevant groups within 14 Offences against justice procedures and orders
- Membership in or demonstrating support for a terrorist organisation – coded to 1511 Terrorism offences

1213 Riot or affray

A riot is a public disturbance involving acts or threats of violence by a group of people, often for a common cause. Affray is a fight involving multiple people disturbing the peace in a public space.

Inclusions:

- Incite a riot
- Participate in a riot
- Participate in an affray
- Other riot or affray offences

Exclusions:

- Peaceful protest causing disruption to commercial activities – coded to 1229 Disruptive conduct, nec
- Property damage – coded to the relevant groups within 112 Damage or destroy property
- Unruly behaviour by an individual or group without a particular cause – coded to 1223 Offensive behaviour

1219 Public safety offences, nec

This group is for offences not elsewhere classified that reduce safety for other community members or are indicative of criminal intent. It excludes regulatory offences and offences against individual victims.

Inclusions:

- Incite criminal activity
- Vilify or incite hatred or violence against or towards a group, where this does not amount to terrorism
- Other public safety offences not elsewhere classified

Exclusions:

- Acts that are disruptive or offensive but not otherwise dangerous – coded to 1229 Disruptive conduct, nec
- Incite or facilitate violence towards government – coded to 1519 Offences against national security, nec
- Incite violence towards an individual person – coded to 0499 Harm or endanger persons, nec
- Regulatory offences related to public safety – coded to 1299 Public order, health, and safety offences, nec
- Threats to national security – coded to 1519 Offences against national security, nec

Subdivision

122 Disruptive conduct

Description

Disruptive conduct includes acts that are disruptive to amenity, social standards, commercial activities, or community members.

1221 Trespass

Trespass is an unlawful and unwarranted intrusion upon the land or property of another person or organisation, without any further criminal intent.

Inclusions:

- Enter or remain on private land or premises without consent of owner
- Trespass on government land
- Unlawfully enter or remain in a restricted area at an event or venue
- Unlawfully enter or remain in an Indigenous Protected Area or community-controlled lands
- Other trespass offences

Exclusions:

- Threatening presence at a person's home or workplace – coded to the relevant group within 044 Acts that threaten, harass, or control

1222 Offensive language

Offensive language refers to the use of abusive, insulting, or improper verbal language that is likely to be considered offensive by another person.

Inclusions:

- Swearing in a public place or near a school
- Use profane, obscene, or offensive language in a public place or within earshot of the public
- Other offensive language

Exclusions:

- Face-to-face threats with the immediate risk of serious harm – coded to 0212 Other serious assault
- Harassment – coded to 0443 Harassment or private nuisance
- Offensive language or images used in graffiti – coded to 1121 Graffiti
- Verbal threats where there is no immediate risk of serious harm – coded to 0442 Threatening behaviour

1223 Offensive behaviour

Offensive behaviour comprises non-verbal acts that are likely to be considered offensive by another person.

Inclusions:

- Coarse forms of gesticulation
- Exposing buttocks or genitals with comic intent or as a stunt, including “mooning” or “streaking”
- Public drunkenness
- Public urination
- Other offensive behaviour

Exclusions:

- Begging – coded to 1229 Disruptive conduct, nec
- Pornography offences – coded to 0399 Sexual offences, nec
- Resist or hinder police – coded to 1422 Resist or hinder a police officer or justice official
- Wilful exposure or flashing – coded to 0391 Offensive sexual acts

1224 Noise offences

Noise offences include noise pollution or causing a disturbance through excessive or ongoing noise. It does not include offences relating to risk of hearing damage in the workplace.

Inclusions:

- Breach regulation relating to the timing, level, or length of noise in residential areas
- Noise pollution from machinery or other commercial activities
- Other noise offences

Exclusions:

- Cause or allow a vehicle to make excessive noise – coded to 1342 Vehicle standards offences
- Loud behaviour causing public disruption or nuisance – coded to 1229 Disruptive conduct, nec
- Offences relating to the risk of hearing damage in the workplace – coded to 1292 Occupational safety offences

1229 Disruptive conduct, nec

This group includes other disruptive conduct not elsewhere classified.

Inclusions:

- Begging including a person approaching vehicles to request money for themselves
- Disruptive behaviour causing public nuisance
- Hinder or obstruct commercial operations
- Hoaxes or pranks causing public nuisance
- Peaceful protest causing disruption to commercial activities or community services
- Other disruptive conduct not elsewhere classified

Exclusions:

- Block or disrupt traffic as a pedestrian – coded to 1393 Pedestrian offences
- Busk without a permit – coded to 1729 Local offences, nec
- Noise pollution from machinery or other commercial activities – coded to 1224 Noise offences

Subdivision

123 Public health regulatory offences

Description

Public health regulatory offences comprise offences against regulations intended to protect or improve the health or safety of the community.

1231 Sanitation or disease offences

Sanitation and disease offences includes regulatory offences relating to food preparation, waste disposal, construction, management of an institution, or other regulations to reduce the risk of disease.

Inclusions:

- Breach regulatory requirements for reporting and containing reportable illnesses
- Careless or reckless disposal of a syringe
- Food safety offences or causing illness through mishandling of food or food preparation
- Unsafe management of a public institution or building
- Other sanitation or disease offences

Exclusions:

- Mishandling of hazardous substances – coded to 1234 Hazardous substances offences
- Offences created during a declared state of emergency – coded under 1291 Emergency regulation offences
- Workplace health and safety offences – coded to 1292 Occupational safety offences

1232 Alcohol offences

This group includes regulatory offences relating to the production, sale, purchase, transport, or consumption of alcohol.

Inclusions:

- Drink or possess alcohol in an alcohol-free zone
- Exceed the limit for possession of alcohol in a restricted area
- Fail to label alcohol products adequately or correctly
- Produce, sell, or purchase alcohol in contravention of licence conditions or without a licence
- Sell or supply alcohol to a minor or other person prohibited from purchasing alcohol
- Other regulatory alcohol offences

Exclusions:

- Causing serious injury while driving under the influence of alcohol – coded to 0450 Driving causing serious injury
- Death caused by a driver under the influence of alcohol – coded to 0132 Driving causing death
- Drink spiking – coded to 0491 Drug or poison a person
- Driving while under the influence of alcohol – coded to 1311 Drink-driving
- Regulatory offences related to use of kava – coded to 1239 Public health regulatory offences, nec
- Unlawful international import or export of alcohol – coded to 1711 Import and export offences

1233 Tobacco, nicotine, or related offences

This group includes regulatory offences relating to the production, sale, purchase, transport, or consumption of tobacco, nicotine, and products used for smoking, vaping, or similar.

Method of consumption includes use of cigarettes, herbal cigarettes, e-cigarettes, vapes, cigars, pipes, hookah, or e-hookah. Nicotine products include smokeless tobacco, such as chewing tobacco or snuff. It also includes smoking-cessation aids such as nicotine patches, lozenges, sprays, inhalers, or gums, if regulations apply to these products.

Inclusions:

- Produce, sell, or purchase tobacco, nicotine, or related products in contravention of licence conditions or without a licence
- Sell or supply tobacco, nicotine, or related products, to a minor or other person prohibited from these products
- Smoke or vape in a non-smoking area
- Unlawful cultivation of tobacco
- Unlawful production, sale, purchase, transport, possession, or use of e-cigarettes, herbal cigarettes, or related products
- Other regulatory tobacco, nicotine, or related offences

Exclusions:

- Unlawful international import or export of tobacco, nicotine, or related products – coded to 1711 Import and export offences

1234 Hazardous substances offences

Hazardous substances offences involve the failure to protect the health and safety of the community through the unsafe use, handling, preparation, storage, labelling, transport, or disposal of poisonous or hazardous substances. This excludes pollution offences, misuse of explosives, and drug offences.

Hazardous substances may be poisonous, toxic, flammable, corrosive, radioactive, infectious, or otherwise hazardous to human health.

Inclusions:

- Breach inhalant abuse regulations, such as unlawful sale of aerosol spray
- Breach regulation relating to the sale of hazardous substances
- Fail to label hazardous substance
- Mishandling or mismanagement of hazardous substances
- Mishandling of radioactive substances
- Regulatory offences relating to substances that can be used as inhalants, excluding pharmaceuticals
- Unsafe handling, preparation, storage, transport, or disposal of a hazardous substance
- Unsafe use of hazardous substance, other than explosives or drugs
- Other hazardous substances offences

Exclusions:

- Cause environmental pollution through unsafe disposal of a hazardous substance – coded to the relevant groups in 161 Environmental pollution
- Environmental biosecurity offences – coded to 1691 Plant and animal quarantine offences
- Illicit drug offences – coded to the relevant groups in 09 Drug offences
- Mishandling or mismanagement of medications – coded to 1235 Pharmaceutical offences
- Unlawful use of regulated explosives (such as fireworks, firecrackers, or flares), where no further harm or damage occurs – coded to 1043 Misuse of regulated weapons or explosives

1235 Pharmaceutical offences

Pharmaceutical offences involve the failure to protect the safety of the community through the unsafe use, handling, preparation, storage, labelling, or disposal of drugs that may be legally purchased, other than alcohol or tobacco.

This includes all pharmaceuticals, whether prescribed or available without a prescription. It excludes substances considered under legislation to be food or natural health products, such as dietary supplements, energy drinks, and traditional or herbal remedies that do not contain prohibited or controlled drugs.

The legal status of different products may vary by jurisdiction.

Inclusions:

- Fail to keep register for drugs of addiction
- Unsafe handling, labelling, preparation, storage, or disposal of pharmaceuticals
- Other pharmaceutical offences

Exclusions:

- Offences relating to substances classified as food, such as dietary supplements – coded to 1239 Public health regulatory offences, nec
- Regulatory offences relating to alcohol – coded to 1232 Alcohol offences
- Regulatory offences relating to non-pharmaceutical substances that can be used as inhalants, such as petrol – coded to 1234 Hazardous substances offences
- Unlawful trafficking, dealing, purchase, sale, or use of prescription drugs – coded to the relevant groups within 09 Drug offences
- Use of forgery or deception to obtain prescription drugs – coded to 0819 Obtain benefit by deception, nec

1236 Betting or gambling offences

Betting or gambling offences relate to the operation of illegal betting or gaming, or breaches of rules or regulations that apply to legal betting or gaming operations.

Inclusions:

- Breach betting or gaming regulations, such as those applying to casinos
- Illegal betting, gaming, gambling, or bookmaking operations
- Illegal operation of a casino
- Starting price ("SP") bookmaking
- Other betting or gambling offences

Exclusions:

- Handling funds from illegal gambling – coded to 0740 Receive or handle proceeds of crime
- Unlawfully harm or kill an animal in the racing industry – coded to 1630 Animal cruelty

1239 Public health regulatory offences, nec

This group includes other public health regulatory offences not elsewhere classified.

Inclusions:

- Fail to erect construction warning signs for the public
- Fail to erect public safety barriers
- Fail to label packaged food or drinks adequately or correctly, excluding alcoholic drinks
- Fail to notify the public of intended blasting
- Regulatory offences related to use of kava
- Other public health regulatory offences not elsewhere classified

Exclusions:

- Acts that cause immediate harm or danger to an individual person, such as throwing rocks at cars – coded to 0499 Harm or endanger persons, nec
- Biosecurity or animal quarantine regulatory offences – coded to 1691 Plant and animal quarantine offences
- Fire safety regulatory offences – coded to 1629 Other environmental management offences, nec
- Pollution offences – coded to the relevant groups within 161 Environmental pollution
- Unlawful use of fireworks, firecrackers, or flares – coded to 1043 Misuse of regulated weapons or explosives
- Use false claims to sell or encourage use of illegal or untested health remedies – coded to 0821 Fraudulent trade practices

Subdivision

129 Other public order, health, and safety offences

Description

This subdivision includes other public order, health and safety offences.

1291 Emergency regulation offences

This group is exclusively for offences created under legislation within a formally declared state of emergency, such as a major natural disaster or pandemic. Offences that are not created as part of a formal state of emergency are excluded, even where they relate to emergency contexts.

Inclusions:

- Any offence under legislation created under a formally declared state of emergency, e.g. breach stay-in-place orders, trespass in no-access zones, fail to evacuate, fail to use protective clothing or equipment, or fail to provide required information

Exclusions:

- Any offence that is not created under a formally-declared state of emergency – coded to other relevant offence groups

1292 Occupational safety offences

Occupational safety offences relate to the failure to protect the safety of employees. This may relate to workplace practices, equipment, facilities, instructions, or training that is dangerous or inadequate.

Inclusions:

- Breach occupational health and safety legislation
- Fail to provide a safe working environment
- Fail to provide adequate or specified safety clothing or equipment
- Fail to provide adequate training leading to increased risk of injury
- Other occupational safety offences

Exclusions:

- Breach fatigue-management regulation for heavy vehicle drivers – coded to 1350 Transport regulation offences
- Industrial or corporate manslaughter – coded to 0131 Manslaughter
- Manufacturing or design faults in vehicles leading to injury – coded to 0499 Harm or endanger persons, nec

1299 Public order, health, and safety offences, nec

This group includes public order, health and safety offences not elsewhere classified.

Inclusions:

- Breach assisted dying legislation not amounting to murder, manslaughter, attempted murder, or assault
- Commercial surrogacy offences
- Procure or commit illegal abortion

- Other public order, health and safety offences not elsewhere classified

Exclusions:

- Bomb threats – coded to 0442 Threatening behaviour
- Cruelty to animals – coded to 1630 Animal cruelty
- Hoax calls to emergency services – coded to 1529 Offences against government services, nec
- Incite violence towards an individual person, including inciting self-harm – coded to 0499 Harm or endanger persons, nec